

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

)) **MDL No. 2492**
IN RE: NATIONAL COLLEGIATE)
ATHLETIC ASSOCIATION STUDENT-)
ATHLETE CONCUSSION LITIGATION)
) **Master Docket No. 1:13-cv-09116**
) **Judge John Z. Lee**
) **Magistrate Judge M. David Weisman**

**FINAL DECLARATION OF RACHEL CHRISTMAN
REGARDING THE DISSEMINATION OF DIRECT NOTICE**

I, Rachel Christman, hereby declare and state as follows:

1. I am employed as Senior Project Manager by Gilardi & Co. LLC (“Gilardi”).

Gilardi has been retained to administer the Notice Program in this matter.¹ I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I submit this declaration in accordance with the Court’s March 9, 2018 Notification of Docket Entry (Dkt. #498), as well as the Court’s September 17, 2018 Amended Order (Dkt. #527). This declaration (i) describes the implementation of the Notice Program vis-à-vis the March 23, 2018 direct notice outreach to Residual Settlement Class Members² and the September 28, 2018 direct notice outreach to Remaining Settlement Class Members³ and

¹ Unless otherwise defined, capitalized terms have the meaning ascribed to them in the Second Amended Settlement Agreement, which is Exhibit 1 to the Joint Motion for Preliminary Approval filed with the Court on May 20, 2016. See Second Am. Settlement Agt. (Dkt. #266-1).

² As further outlined in the parties’ March 5, 2018 Joint Motion for Entry of Revised Schedule (Dkt #497), Gilardi performed in February of 2018 an audit of each data file submitted by an NCAA member institution, which resulted in the discovery of 74,706 records for which notice was inadvertently not sent. These are the “Residual Settlement Class Members.”

³ As further outlined in the parties’ September 7, 2018 Joint Motion for Entry of Revised Schedule, (Dkt #522), the parties engaged Monument Economics Group to conduct an independent audit of the direct notice portion of the Notice Program, which resulted in the discovery of 6,575 records for which notice

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(ii) provides updated statistics regarding direct notice outreach to the entire Settlement Class. This declaration supplements the September 29, 2017 Declaration of Rachel Christman Regarding Dissemination of Direct Notice (the “September 2017 Declaration”) (Dkt. #470) and the February 26, 2018 Updated Declaration of Rachel Christman Regarding the Dissemination of Direct Notice and Audit of Direct Notice Program (the “February 2018 Declaration”) (Dkt. #496), attached hereto as Exhibits 1 and 2 respectively.

3. Gilardi sent direct notice to all Settlement Class Members for whom it received usable contact information. This outreach has taken place in the four waves detailed below.⁴

- The “Initial Notice” commenced on January 9, 2017 and concluded on August 9, 2017. The Initial Notice included postcard Notice mailings to 3,808,577 Settlement Class Members and email Notice to 1,899,635 Settlement Class Members (1,835,846 of whom were also sent the postcard Notice). Additional information regarding the Initial Notice was set forth in the September 2017 Declaration. See Exhibit 1.
- The “Frostburg Notice” was sent on November 14, 2017 and included a postcard Notice mailing to 9,239 Frostburg State University Settlement Class Members and an email Notice to 3,605 Frostburg State University Settlement Class Members (all of whom were also sent the postcard Notice). To distinguish the Frostburg Notice from the Initial Notice and to allow Gilardi to

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was inadvertently not sent or not re-mailed once returned as undeliverable. These are the “Remaining Settlement Class Members.”

⁴ Class Members who may not have received direct mail or email notice may still have received notice through alternative means, such as by viewing print publications containing notice, the settlement website, internet publications containing notice, and a press release containing notice, as provided for in the Administrator’s Notice Plan. See Declaration of Alan Vasquez Regarding Dissemination of Notice to Class Members (Dkt. #329-1), attached hereto as Exhibit 3.

track its Notice efforts, Frostburg State University Settlement Class Members were assigned unique identifiers, and the postcard Notice was printed on blue paper, with the email Notice having a blue background. Additional information regarding the Frostburg Notice was set forth in the February 2018 Declaration. See Exhibit 2.

- The “Residual Notice” was sent on March 23, 2018 and consisted of a postcard Notice mailing to 62,136 unique Residual Settlement Class Members and an email Notice to 45,083 Residual Settlement Class Members (36,936 of whom were also sent the postcard Notice). To distinguish the Residual Notice from the Initial Notice and Frostburg Notice, and to allow Gilardi to track its Notice efforts, Residual Settlement Class Members were assigned unique identifiers, and the postcard Notice was printed on yellow paper, with the email Notice having a yellow background. True and correct copies of the postcard Notice and email Notice used in the Residual Notice are attached hereto as Exhibits 4 and 5, respectively.⁵
- The “Remaining Notice” was sent on September 28, 2018 and consisted of a postcard Notice mailing to 6,417 unique Remaining Settlement Class Members and an email Notice to 533 Remaining Settlement Class Members. (all of whom were also sent the postcard Notice). To distinguish the Remaining Notice from earlier outreach, and to allow Gilardi to track its Notice efforts, Remaining Settlement Class Members were assigned unique

⁵ True and correct copies of the Initial Notice and Frostburg Notice were included in Gilardi’s September 2017 Declaration and February 2018 Declaration, respectively. See Exhibits 1 and 2 hereto.

identifiers, and the postcard Notice was printed on pink paper, with the email Notice having a pink background. True and correct copies of the Postcard Notice and Email Notice used in the Remaining Notice are attached hereto as Exhibits 6 and 7, respectively.

- In total, Gilardi has mailed postcards to 3,886,369 Settlement Class Members and sent email notice to 1,948,856 Settlement Class Members, 1,876,920 of whom were also mailed postcards. This represents direct notice outreach to 3,958,305 unique Settlement Class Members. Upon completion of the Remaining Notice, 100 percent of the student-athletes for whom Gilardi received usable contact information were sent direct notice.

4. Mail returned by the United States Postal Service is classified as Returned Undeliverable Mail or “RUM.” Since commencing mailings to Settlement Class Members, Gilardi has received 326,291 unique pieces of RUM in this matter and has performed address searches for 264,470 such RUM pieces.⁶ As a result of these searches, Gilardi has been able to locate updated addresses for and re-mail or forward 202,637 unique RUM pieces. This includes 198,528 unique pieces of Initial Notice RUM, 832 unique pieces of Frostburg Notice RUM, 3,032 unique pieces of Residual Notice RUM, and 245 unique pieces of Remaining Notice RUM.⁷

⁶ RUM pieces returned with addresses outside of the United States were not able to be searched. Additionally, RUM pieces received after a date on which it would not be administratively feasible to re-mail notice prior to applicable Exclusion Deadlines were not searched. 19,376 RUM pieces were received after such date, 18,079 of which were from the Initial Notice, 37 from the Frostburg Notice, 1,254 from the Residual Notice, and 6 from the Remaining Notice.

⁷ These RUM statistics represent standard RUM processing and are separate and distinct from the RUM searches and re-mails performed as a result of the audit described in footnote 3 herein.

5. The deadlines for Settlement Class Members to request exclusion from or object to the Settlement are listed below:

- Class Members receiving the Initial Notice: September 15, 2017
- Class Members receiving the Frostburg Notice: January 16, 2018
- Class Members receiving the Residual Notice: June 8, 2018
- Class Members receiving the Remaining Notice: December 7, 2018

All of the above deadlines have passed.

6. To date, Gilardi has received and processed a total of 1,884 requests for exclusion from the Settlement Agreement. This includes the 1,858 requests for exclusion reported in the February 2018 Declaration, one (1) additional late request for exclusion from the Initial Notice, and 25 requests for exclusion from the Residual Notice. Two (2) of the Residual Notice requests were duplicative of requests for exclusion received from the Initial Notice, resulting in a total of 1,882 unique requests for exclusion from the Settlement. No requests for exclusion were received from Settlement Class Members who were sent the Remaining Notice. A complete and accurate list of these requests for exclusion is attached hereto as Exhibit 8.

7. Gilardi has not received any objections from Settlement Class Members who were sent the Frostburg Notice, the Residual Notice or the Remaining Notice. In total, Gilardi has received 16 objections to the Settlement Agreement, all of which were received after Gilardi sent the Initial Notice and were promptly forwarded to Class Counsel and Counsel for the NCAA.

8. The Stay Informed portal on the Settlement Website remains active. To date, Gilardi has received 17,062 entries on the Stay Informed portal.

9. The case-specific email address, info@collegeathleteconcussionsettlement.com, remains active. To date, Gilardi has received and processed 3,138 emails to this email address.

10. The toll free telephone number, 877-209-9898, remains active. To date, Gilardi has received 10,051 calls to this number and has received and honored 333 requests for Long Form Notice Packets.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of December, 2018.

Rachel Christman
Rachel Christman

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on December 19, 2018, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman
Steve W. Berman